

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:11-cr-98

Also Case No. 3:20-cv-255

-vs-

EDWARD AUSTIN,

District Judge Susan J. Dlott

Magistrate Judge Michael R. Merz

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendation of United States Magistrate Judge Michael R. Merz (ECF No. 29), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that the United States has agreed that Austin is entitled to relief (ECF No. 30), hereby ADOPTS said Report and Recommendation.

Accordingly, it is hereby ORDERED that the judgment on Count 2 be VACATED and that the Clerk file an amended judgment reflecting this Order.

February 26, 2024.

  
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Susan J. Dlott  
United States District Judge